

Los Alamos County Police Department
GENERAL ORDER

214.00 Emergency Vehicle Operations and Pursuits			
Effective Date:	May 1, 2013	Rescinds: Amends:	All Prior
Distribution:	ALL PERSONNEL	Re-evaluation Date:	March1, 2014
Related NMLEPSC Standards:	OPR.01.01, 09, OPR.07.13		

I. PURPOSE

The purpose of this General Order is to set forth circumstances and manner in which officers of the Los Alamos County Police Department may engage in emergency vehicle operations and vehicle pursuits, sets responsibilities of officers and supervisors regarding emergency operation of Department vehicles, and establishes the Department standard for administrative review of the judgment exercised by officers and supervisors involved in vehicle pursuits.

II. POLICY

It is the policy of the Los Alamos County Police Department that officers may engage in emergency operation of a police vehicle only in accordance with applicable laws and the procedures as set forth in this General Order. Officers may engage in emergency vehicle operation ONLY:

- A. While responding to an emergency call.
- B. When in pursuit of a person who has committed, or is reasonably suspected by the officer, to have committed:
 - 1. A violent felony as defined in this General Order; or
 - 2. Officers may initiate a high speed pursuit to apprehend a suspect who the officer has reasonable grounds to believe poses a clear and immediate threat of death or serious injury to others or who the officer has probable cause to believe poses a clear and immediate threat to the safety of others that is ongoing and that existed prior to the high speed pursuit. (reference 29-20-4 NMSA 1978).

NOTE: The violent felony or immediate, specific, and continuing threat to the public's safety used to justify a vehicle pursuit must be articulated by facts or circumstances that are known or reasonably believed PRIOR TO THE INITIATION OF THE PURSUIT. After the fact determinations of violent felonies or an immediate, specific, and continuing threat cannot be used as the basis for determining that the initiation of a vehicle pursuit is within policy guidelines.

3. Only an authorized emergency vehicle may be operated under emergency driving conditions.
4. Officers shall be mindful that the operator of an emergency vehicle is never relieved of the duty to drive with due regard for the safety of all persons. Further, the driver of an emergency vehicle is not protected by law from the consequences of the reckless disregard for the safety of others.
5. When engaged in emergency vehicle operations, the driver is granted exemptions from certain traffic laws as defined by statute. These exemptions shall not be used under any circumstances other than those detailed in this General Order.
6. Department vehicles shall only be operated in an emergency mode in the performance of official duties.
7. Officers responding to routine or non-emergency calls for service shall not operate the vehicle in emergency mode and comply with all traffic laws and regulations.
8. Officers operating authorized emergency vehicles may initiate pursuits. When feasible, they are encouraged to relinquish the primary and secondary positions to regularly marked police cars unless the pursuit is off-road.
9. Officers shall not initiate or continue a high-speed pursuit when the immediate danger to the officer and the public created by the high-speed pursuit exceeds the immediate danger to the public if the occupants of the motor vehicle being pursued remain at large. (reference 29-20-4 NMSA 1978).

III. DEFINITIONS

AUTHORIZED EMERGENCY VEHICLE – AUTHORIZED EMERGENCY VEHICLES (66-7-6 NMSA 1978)

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section subject to the conditions stated. The chief of the New Mexico State Police or the appropriate local agency may designate emergency vehicles and revoke the designation. When vehicles are so designated, they are authorized emergency vehicles.
2. The driver of an authorized emergency vehicle may:
 - a. Park or stand, irrespective of the provisions of the Motor Vehicle Code (Articles 1 to 8 of Chapter 66, except 66-7-102.1 NMSA 1978);
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operations;
 - c. Exceed the maximum speed limits so long as he does not endanger life or property; and
 - d. Disregard regulations governing direction of movement or turning in specified directions.
3. The exemptions granted to an authorized emergency vehicle apply only when the driver of the vehicle, while in motion, sounds an audible signal by bell, siren or exhaust whistle as reasonably necessary and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
4. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor does it protect the driver from the consequences of his reckless disregard for the safety of others.

EMERGENCY CALL – a call which requires immediate action by a Police Officer to prevent loss of life, or to reduce bodily injury where the officer has reasonable grounds to believe that the situation poses a clear and immediate threat of death or serious injury to others; or a clear and immediate threat to the safety of others that is ongoing. Examples include:

- A. An officer in need of emergency assistance
- B. A violent felony in progress or that just occurred
- C. A burglary or robbery in progress that appears to involve a threat to one or more persons
- D. An ongoing Domestic Violence incident involving an assault, battery, or weapons with both parties still present
- E. A fight in progress which involves weapons or multiple assailants

- F. An accident with serious injuries where the presence of an officer is urgently needed
- G. A suicide attempt in progress
- H. Other inherently dangerous situations whereby there is an immediate threat of bodily injury or death to one or more persons

EMERGENCY VEHICLE OPERATION – means the act of driving an authorized emergency vehicle with emergency lights and siren operating in response to an emergency call or during a pursuit. Pursuant to 66-7-6 NMSA 1978, The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not returning from a fire alarm, may exercise the privileges set forth in this section subject to the conditions stated.

HIGH SPEED PURSUIT as used in the Law Enforcement Safe Pursuit Act (29-20-4 NMSA 1978), “high speed pursuit” means an attempt by a law enforcement officer in an authorized emergency vehicle to apprehend an occupant of a vehicle, the driver of which is actively attempting to avoid apprehension by exceeding the speed limit.

MARKED UNIT means a Department vehicle assigned for general and routine patrol and police service. Such vehicles shall be conspicuously marked and equipped with sirens, emergency lights and radio communications.

OFFICER – means a sworn police officer of this Department.

PRIMARY PURSUIT VEHICLE – usually means the emergency vehicle initiating the pursuit or that assumes control of the pursuit as the lead vehicle.

PURSUIT – (in addition to “High Speed Pursuit”, defined above) means the operation of an emergency vehicle when the officer initiates a traffic stop and the driver refuses to stop or resists any order by the officer to stop, including an order in the form of turning on emergency lights and/or operating the siren, by increasing or decreasing speed, taking evasive action, driving in such a way as to endanger the lives and property of others, and/or otherwise indicating an attempt to flee and/or refusing to stop.

SECONDARY PURSUIT VEHICLE means the emergency vehicle that trails the primary pursuit vehicle at a safe distance, can assume the role of primary pursuit vehicle, and can assist the officer in the primary pursuit vehicle.

SUPERVISOR – means a commissioned officer of the rank of sergeant or higher, or in the absence of a supervisor or his/her designee, or in the absence or unavailability of both, the senior officer on-duty who has the authority and

responsibility of monitoring and directing officers operating emergency vehicles in the emergency mode and involved in responding to emergency calls and/ or engaging in vehicle pursuits.

UNMARKED EMERGENCY VEHICLE means a Department vehicle without conspicuous markings but may be equipped with sirens, emergency lights and constant radio communications.

VIOLENT FELONY – means an attempted or completed felony in which the perpetrator uses aggressive physical force, including any of the following to the extent it constitutes a felony:

- A. Homicide;
- B. Kidnapping;
- C. Assault, vehicular assault or sexual assault;
- D. Robbery;
- E. Arson;
- F. Any crime of violence; or
- G. Escape for one or more of the foregoing offenses.

IV. PROCEDURES

A. Primary Pursuit Unit will:

1. Immediately notify the Communications Center that a vehicle pursuit is underway and provide the following information:
 - a. Unit identification number.
 - b. Location, speed and direction of travel of the fleeing vehicle.
 - c. Descriptive information of the fleeing vehicle as it becomes known, (i.e. make/model, color, license plate, number of occupants, etc.)
 - d. Circumstances supporting the decision to pursue, including laws violated.
 - e. Initial risk factor evaluation by the primary unit.

B. Secondary Pursuit Unit will:

1. Immediately notify the Communications Center of its identity and its position as the secondary unit.
2. Assume the responsibility of communications during the pursuit, continually providing significant information to the Communications Center and active units. This responsibility shall not restrict the supervisor from giving instructions and/or directions to the primary pursuit unit, the secondary pursuit unit, back-up units, or the Communications Center.
3. Provide a continuing risk factor evaluation to the shift supervisor.

4. Maintain a safe distance from the primary unit, but remain close enough to render assistance.
5. Become the primary unit, should the primary unit become disabled. (If this occurs, the shift supervisor will designate the new secondary unit).

C. The Shift Supervisor Will:

1. Have the authority to terminate a vehicle pursuit at any time he/she deems appropriate.
2. Maintain overall responsibility for the decisions concerning continuance or termination of the pursuit. The supervisor will assert control over the pursuit by monitoring and directing specific units into or out of the vehicle pursuit; re-designating primary, secondary, and back up units, approving or ordering alternative tactics; or terminating the vehicle pursuit if appropriate.
3. Upon being notified of the vehicle pursuit, the shift supervisor will verify the following:
 - a. The offense for which the vehicle pursuit was initiated.
 - b. That no more than the required number of units are involved in the vehicle pursuit.
 - c. That proper radio channels are being utilized.
 - d. That affected inter-jurisdictional agencies or are notified.
4. During a vehicle pursuit, the shift supervisor may assign active roles to support units including, but not limited to, paralleling the vehicle pursuit (on parallel roadways); assigning support personnel to potential termination locations; and/or transferring equipment or personnel as necessary. The shift supervisor will remain in charge of the incident until its conclusion, unless relieved by competent authority.

D The Communications Center (upon notification that a vehicle pursuit is in progress) will:

1. Initiate emergency radio traffic and advise all other units that a vehicle pursuit is in progress, provide all relevant information to all units, Including the unit numbers of the primary, secondary and support units.
2. Advise all units not involved in the vehicle pursuit to clear the radio channel of non-emergency radio traffic (10-3 the air) and to utilize other radio channels until the vehicle pursuit has been concluded.
3. Receive and record all incoming information on the fleeing vehicle.
4. Ensure that the shift supervisor or other competent authority is aware of the situation.
5. Perform all relevant record and motor vehicle checks as expeditiously as possible.

6. Monitor all radio communications during the vehicle pursuit and if necessary, repeat information provided by active units.
7. Coordinate and dispatch back-up assistance as directed by the shift supervisor.
8. Notify affected agencies when the vehicle pursuit has crossed or is likely to cross jurisdictional boundaries.
9. Continue to monitor the vehicle pursuit until it has been terminated.
10. Upon authorization by the shift supervisor, announce the end of emergency radio traffic and return radio traffic to normal operations.

2. OPERATIONAL TACTICS

A. Risk Assessment: Upon initiation of a vehicle pursuit, these risk factors should be taken into consideration:

1. Officers may initiate a high speed pursuit to apprehend a suspect who the officer has reasonable grounds to believe poses a clear and immediate threat of death or serious injury to others or who the officer has probable cause to believe poses a clear and immediate threat to the safety of others that is ongoing and that existed prior to the high speed pursuit. Officers may not participate in a high-speed pursuit if non-sworn persons are present in their vehicle. The officer must, however, continue to assess the risks to public safety.
2. Risk Assessment Factors: When deciding whether to initiate or continue a high-speed pursuit, the following factors, at a minimum, shall be taken into consideration:
 - a. The seriousness of the offense for which the high-speed pursuit was initiated.
 - b. Whether a suspect poses a clear and immediate threat of death or serious injury to others.
 - c. Road, weather, environmental and vehicle conditions.
 - d. The volume of motor vehicle and pedestrian traffic.
 - e. Knowledge of the suspect's identity, possible destination and previous activities that may make apprehension at a later time feasible.
 - f. Frequent intersecting streets (i.e. business districts).
 - g. Blind curves, intersections, and narrow roads.
 - h. Extremely hazardous maneuvers (i.e. driving against on-coming traffic, running red lights, etc.)
 - i. Numerous law enforcement vehicles in pursuit.
 - j. Emotional state of officers involved.
 - k. Existence of school zones.
 - l. Cliff edges along roadways.

- B. Number of Vehicles in Pursuit: No more than two law enforcement vehicles shall become actively involved in a high-speed pursuit, unless specifically authorized by a supervisor (29-20-4 NMSA 1978). The primary pursuit vehicle and the secondary pursuit vehicle will be the only vehicles to pursue a fleeing vehicle, unless a supervisor has granted specific authorization.
- C. Method of vehicle pursuit:
1. A caravan of unassigned units is prohibited. The supervisor will ensure that only those emergency units that are necessary will actively engage in any vehicle pursuit.
 2. Units should use extreme caution if the suspect vehicle precedes the wrong way on a one-way street or other controlled access highway or roadway.
 3. At the direction of the supervisor, back-up units may maintain a reasonable and safe following distance, otherwise they are to remain alert as to the direction and progress of the vehicle pursuit, and they may position themselves at strategic sites along the probable vehicle pursuit route, or on parallel roadways for rapid response to any emergencies that may develop.
 4. All initiating pursuit vehicles may relinquish the primary pursuit position to neighboring law enforcement units (i.e. County Sheriff's, Tribal Police, BIA Police, New Mexico State Police, etc.) when crossing into their jurisdiction.
 5. All units should terminate the vehicle pursuit when radio communication with the Communications Center or with their immediate supervisor is lost.
 6. If a pursuit enters or if it appears that it might enter Los Alamos National Laboratory (L.A.N.L.) property, the shift supervisor will be notified. The shift supervisor will then direct the Communications Center to notify L.A.N.L. security.
- D. Alternatives to Pursuit: The following alternatives to pursuit may be considered or limited as follows:
1. The use of agency approved vehicle-disabling devices, commonly known as "Stop Stick" or "Stinger" is encouraged as a means of terminating vehicle pursuits. Use of such devices is not considered deadly force.
 2. Deployment of a vehicle-disabling device is at the discretion of any Officer who can safely deploy the device. However, the deploying officer must coordinate such deployment through his/her shift supervisor.
 3. Vehicle disabling devices will only be deployed by personnel who have been appropriately trained on the proper use of such equipment.

4. Vehicle disabling devices shall not be deployed to terminate motorcycle vehicle pursuits.
5. Use of "rolling" or stationary roadblocks is not authorized for vehicle pursuits.
6. An officer shall not discharge his/her firearm at or from a moving vehicle unless an occupant of the fleeing vehicle is using deadly force against him/her or another person. Discharging of a firearm by an officer is considered deadly force and the actions of the offending driver or passenger(s) must rise to that level of force.

3. TERMINATION OF VEHICLE PURSUIT

- A. Primary, secondary and support units shall discontinue vehicle pursuit when circumstances dictate a vehicle pursuit is not justified, or if the pursuit becomes an unreasonable danger to public safety. A vehicle pursuit should also be terminated when:
 1. In the opinion of the officer or the shift supervisor, the level of danger outweighs the necessity of the vehicle pursuit.
 2. The suspect's identity has been established to the point that later apprehension can be accomplished and the suspect does not pose an imminent threat to the public at large.
 3. The distance between the officer and the fleeing vehicle is so great it becomes obvious that pursuit is unlikely to succeed.
 4. Police equipment failure makes it impractical or unsafe to continue.
 5. Loss of radio contact or communications with the Communications Center and/or shift supervisor.
 6. The officer engaged in the vehicle pursuit has a reasonable belief that the person the officer is attempting to apprehend no longer poses an immediate danger to the public.
- B. The termination of a pursuit does not prohibit the following of a vehicle without excessive speed, or remaining in an area in an effort to apprehend the suspect if the opportunity and conditions permit.
- C. Upon termination of any vehicle pursuit, the involved officer(s) and their immediate supervisor will inspect all involved Department vehicles for damage. If any damage that may affect the operational components of the vehicle(s) is evident or suspected, the vehicle(s) should be taken out of service until cleared for service by Fleet Maintenance.

4. INTER-JURISDICTIONAL VEHICLE PURSUIT

- A. Outbound Vehicle pursuits

1. If it becomes apparent that a vehicle pursuit will continue outside of Los Alamos County and into the jurisdiction of another agency, the Communications Center will inform the affected agency that a vehicle pursuit is traveling in their direction and request their assistance. Such notification should include:
 - a. Vehicle description and direction of travel.
 - b. Nature of offense/reason for vehicle pursuit.
 - c. Any special conditions or considerations.
 - d. Number of suspects in the fleeing vehicle.
 - e. Number of units currently involved.
 2. If the agency having jurisdiction over the area (federal, county, city, pueblo etc.) that the vehicle pursuit has entered, requests that the primary unit discontinue the vehicle pursuit in view of public safety concerns, the primary unit and shift supervisor will honor that request and immediately terminate the vehicle pursuit.
 3. Officers involved in a vehicle pursuit that continues beyond the jurisdictional limits of Los Alamos County will adhere to the policies established by the Los Alamos County Police Department.
- B. Inbound vehicle pursuits (vehicle pursuits entering Los Alamos County).
1. Officers shall not become involved in another agency's vehicle pursuit unless clearly and specifically directed by the shift supervisor.
 2. Assistance with, or involvement in vehicle pursuits originating outside of Los Alamos County that enter Los Alamos County, must meet the same criteria established for motor vehicle pursuits that originate in Los Alamos County. If the Los Alamos County Police Department Motor Vehicle Pursuit Policy criteria is not met, Los Alamos Police Department Officers shall not involve themselves in the vehicle pursuit and may request that the apprehending agency terminate the vehicle pursuit due to public safety considerations, based upon existing conditions
 3. The decision to grant assistance to the requesting agency shall be that of the shift supervisor.
 4. If the decision is made to not actively assist the other agency in the pursuit, the other agency will be made aware of this decision.
 5. Los Alamos Police Department units may be directed to take up observation positions, or make efforts to secure areas (such as intersections) along the expected route of the pursuit.

5. REPORTING

- A. A report will be completed after every vehicle pursuit. The report will be submitted by the primary Officer conducting the vehicle pursuit. The